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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	) CR. NO. 04-00053 DAE
	)
Plaintiff,	) ORDER CONTINUING TRIAL DATE
	) AND EXCLUDING TIME UNDER THE
vs.	) SPEEDY TRIAL ACT
	)
SILVER JOSE GALINDO,	) OLD TRIAL DATE: April 22, 2008
a.k.a. DANIEL S. GALINDO,	) (As to Counts 5, 6, and 7)
a.k.a. TIMOTHY MAU,	)
	) NEW TRIAL DATE: Oct. 7, 2008
Defendant.	) (As to Counts 5, 6, and 7)
	)

ORDER CONTINUING TRIAL DATE AND  
EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

At an April 16, 2008 hearing before Judge David A. Ezra, defendant Silver Jose Galindo orally moved to continue trial. The government objected. The Defendant, and his respective attorney, asked to continue the trial in this case and agreed to exclude the time period from April 22, 2008 to October 7, 2008 from computation under the Speedy Trial Act. The reason

for the continuance is to allow defense counsel time to continue to adequately prepare for trial.

This Court finds that the ends of justice served by the continuance outweigh the best interests of the Defendant and the public in a speedy trial, and:

1. The failure to grant such a continuance would be likely to result in a miscarriage of justice.

2. The failure to grant the continuance would unreasonably deny the defendant continuity of counsel and deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

This Court further finds that the period of time from April 22, 2008 to and including October 7, 2008, constitutes a period of delay which shall be excluded in computing the time within which the trial in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (h)(8)(B).

Defendant's oral Motion to Continue Trial Date and Excluding Time Under the Speedy Trial Act is hereby granted, and the findings set forth above are adopted as findings by the court. For the reasons stated, IT IS HEREBY ORDERED:

(1) the jury selection and trial are set for October 7, 2008.

IT IS FURTHER ORDERED that the period of time from April 22, 2008 to and including October 7, 2008, constitutes a period of delay which shall be excluded in computing the time within which the trial in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (h)(8)(B).

DATED: April 22, 2008, at Honolulu, Hawaii.



  
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David Alan Ezra  
United States District Judge

USA v. SILVER JOSE GALINDO

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